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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M. A. C. No. 277 /2007

APPLICANT:
NON-APPLICANT

1. Komal Singh S/o Shri Milan Singh Aged about 26 years, Driver Mini Bus No. C.G. 08B/5036; R/o Dau Chaura Khairagarh, P. S. & Tehsil Khairagarh Distt. Rajnandgaon(C.G.).

2. Seepar Ram Lodhi Aged - 40 yrs. S/o Late Shri Maya Ram Lodhi, R/o Puraina, P.S. & Tehsil Dongargarh; Dist Ragnandgaon (C.G.). Owner of Mini Bus No. 08B/5036

P.R. No. 603/07 Presented by Shri Manoj Dhar Dewangan Adv. on 28/8/07

VERSUS

RESPONDENTS:

1. Purushottam Ram Sahu; S/o Late Indal Sahu; aged about 45 years.

2. Smt. Parvati Sahu; W/o Purushottam Sahu; aged about 40 years;

Both R/o Village Sankra; P. S. Kumbhari; Tehsil Dongargarh; Dist. Rajnandgaon (C.G.)

(4)

MISCELLANEOUS APPEAL U/S 173 MOTOR VEHCLE ACT, 1988

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C) No. 277 **सन् 2007**

(17)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28/02/2007

Shri R.N. Jha, counsel for the appellants.

Heard on admission.

This appeal is preferred against an order dated 6.2.2007 passed by the XIth Additional Motor Vehicle Accident Claims Tribunal, Durg awarding Rs. 50,000/- under Section 140 of the Motor Vehicles Act on the principles of no fault liability to the claimant against the owner/appellant herein.

Shri R.N. Jha, learned counsel for the appellant did not dispute the following:

(a) That death of Praveen Kumar occurred due to accident which took plade on 9.8.2006 with the Bus No. CG 08 B/5036.

(b) That the applicant is the owner of the Bus No. CG 08 B/5036. and

(c) That the above mentioned bus was not insured on the date of accident.

The only point urged by the learned counsel for the appellant is that the deceased pillion rider died as a result of the negligent driving of the motor cycle and contributed to the accident. However, for the purposes of deciding an application under Section 140 of the M.V. Act, the ground urged by the learned counsel for the appellant is wholly irrelevant because interim compensation is awarded on the ground of no fault liability. In the facts of the present case, for grant of interim compensation under Section 140 of the Motor Vehicles Act, the learned M.A.C.T. is only required to satisfy whether (a) death occurred due to accident with the vehicle in

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

मामला क्रमांक M.A.(C) No.277 **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	question (b) whether the applicant is the owner of the bus and (c) whether the bus was not insured. Since all the aforesaid conditions "A, B and C" are satisfied the impugned order cannot be faulted with. In this view of the matter, this appeal being devoid of merit is dismissed at the stage of admission. In view of above M.(C).P. No.393/2007 which is an application for stay, I.A. No. 614/2007 and I.A. No. 615/2007 also stand dismissed. C.C. as per rules. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

Kvr